

of the seat. It would perform no useful function being located in front of the seat. Its only purpose is to allow for the adjustment of the straps 20. Further in the Burleigh ('639) patent, the headrest which holds the normal shoulder harness does not provide for a changing of two shoulder harness belts closer to one another so as to accommodate different sized individuals. And there's no reason presented that it would be obvious to use the headrest 90 of the '639 disclosure for such a purpose. Accordingly, without a teaching reference as to why one would to place the flat plate 38 of Burleigh ('601) in front of the seat, such a proposal is improper under 35 USC 103 and is but a hindsight construction to modify the Burleigh ('601) teaching as proposed. Accordingly, reconsideration of this rejection is requested.

Reconsideration of the rejections of claims 15 and 17 as being unpatentable over Burleigh ('601) under 35 USC 103(a) is requested. Claims 15 and 17 include the limitations in claim 1 and hence are patentable for the same reasons as presented therein.

Reconsideration of the rejection of claim 24 as being unpatentable over Burleigh ('601) in view of Lefranc under 35 USC 103(a) is requested. As indicated previously, parent claim 23 references the location of the harness control plate and the moving means with respect to the seat. There is no teaching provided to provide such a relationship. The disclosure to Lefranc does not provide for such a teaching and was not proffered therefor. Accordingly, reconsideration of this rejection is requested.

Reconsideration of the rejections of claims 25, 27 and 28 as being unpatentable over Burleigh ('601) in view of Burleigh ('639) under 35 USC 103(a) is requested. As indicated previously there is no reason to provide Burleigh ('601) with a plate on the front side and hence reconsideration of this rejection is also requested.

The allowability of claims 16, 18-22 and 26 if rewritten overcome the rejection under 35 USC 112, second paragraph is noted, the claims have been rewritten in independent form.

The allowance of claims 29-38 is noted.

The above amendment also add three new dependent claims, authorization to charge the deposit account of Barnes & Thornburg No. 02-1010 (3168/29779) for these additional claims and the additional independent claims is hereby authorized.

The application is now deemed to be in condition for allowance and as such is respectfully requested.

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It is respectfully requested that, if necessary to effect a timely response, this paper be considered as a Petition for an Extension of Time sufficient to effect a timely response and shortages in other fees, be charged, or any overpayment in fees be credited, to the Account of Barnes & Thornburg, Deposit Account No. 02-1010 (3168/29779).

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'M. Newman', followed by a large checkmark.

Mark M. Newman
Reg. No.31,472
(202) 289-1313

Enclosures

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